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MEMORANDUM

NATIONAL SECURITY COUNCIL

INFORMATION

May 3, 1971

MEMORANDUM FOR:

DR. KISSINGER

FROM:

JOHN HOLDRIDGE

SUBJECT:

The Communist Position on Prisoner Releases

Attached is a paper which Bill Stearman did to review the Communist statements on the relation between the release of our POW's and various political conditions.

It is useful background reading and confirms our fears that we would be asked to pay a lot more than a withdrawal date for the release of our men.

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THE COMMUNIST POSITION ON PRISONER RELEASES

Point 9 of the NLF's "10 Point" proposal of May 8, 1969 implicitly linked the release of prisoners of war with the payment of war reparations by the U.S. Point 9 stated:

To resolve the aftermath of the war:

- A. The parties will negotiate the release of soldiers captured in the war.
- B. The United States Government must bear full responsibility for the losses and devastations it has caused to the Vietnamese people in both zones. [i. e. North and South Vietnam]

Point 1 of the PRG's "8 Point" proposal of September 17, 1970 linked prisoner releases with the setting of a fixed date for the withdrawal of all U.S. and other foreign troops. The full text of Point 1 is as follows:

-- The U. S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, totally withdraw from South Vietnam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U. S. camp, without posing any condition whatsoever, and dismantle all U. S. military bases in South Vietnam. In case the U. S. Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U. S. camp by June 30, 1971, the People's Liberation Armed Forces will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the U. S. camp, and the parties will engage at once in discussions on:

- The question of ensuring safety for the total withdrawal from South Vietnam of U. S. troops and those of the other foreign countries in the U. S. camp.
- The question of releasing captured militarymen.

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Following the September 17, 1970 Paris meeting at which the "8 Points" were presented by PRG chief delegate Mme Binh, PRG spokesman Duong Dinh Thao elaborated on the prisoner of war question. The following are the pertinent excerpts from Thao's press conference (using the North Vietnamese VNA transcript):

Bernard Redmont (NBC):

"I would like to ask about the problem of the captured military men. Does this mean that, when the U. S. Government announces that it will totally withdraw U. S. troops from South Vietnam, discussions on the release of prisoners of war will be held immediately? And also, does it mean that the captured military men will be set free immediately at the end of the discussions and not at the end of the war?"

Answer:

"First of all, it must be clearly stated that the Americans must announce that they will pull all U. S. troops out before 30 June 1971. Then, the parties will immediately begin to discuss the problem of the release of militarymen captured during the war. And, if the U. S. Government fosters good will, really desires to put an end to the war, and actually carries out the withdrawal of all U. S. and foreign troops from South Vietnam; and if it also displays a serious attitude in the discussions, then we are convinced that the release of the militarymen captured during the war will be carried out rapidly.

"We yearn for an early end to the war so as to be able to put an end to the suffering and mourning of the Vietnamese people and also of the American people. At the same time, this will enable captured American youths and militarymen to rejoin their families in a not too distant future."

Subsequently, Communist delegates and spokesmen in Paris have consistently adhered to the line that a prisoner of war release would only be "discussed" -- not automatically resolved -- should the U. S. set a withdrawal deadline. The one apparent exception was an article by Mme. Binh in Le Monde of April 15, 1971 in which she claimed that President Nixon had "only to fix a reasonable deadline for the total withdrawal for GI's and American prisoners to be rapidly and safely

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returned." However, in the Paris session held the day this article appeared (April 15), Mme. Binh and her North Vietnamese counterpart, Xuan Thuy, took a somewhat different official line. The following are excerpts from the transcript of this meeting:

Mme Binh:

"In order to settle the question of captured military personnel, it is necessary to settle the problem of the cessation of the war -- a problem in which the crucial question is the repatriation of American troops. As long as the war goes on, not only with the question of captured military personnel not be able to be settled but also the list of the captured will only grow longer indefinitely.

"The Vietnamese people who feel no animosity toward the American people and who have no interest in the prolongation of the captivity of captured American military personnel, still desire to see the war come to an end as soon as possible in order that this question be rapidly settled. In this spirit, the Provisional Revolutionary Government of the Republic of South Vietnam stated that it would enter immediately into discussions on the question of the release of captured military personnel if the Government of the United States agreed to withdraw all of its troops before June 30th, 1971.... It is thus clear that if the American Government had truly wanted to correctly settle the question of captured military personnel, this question would long since have been discussed and settled in an appropriate manner....

"Rapidly withdrawing American troops according to a determined deadline, renouncing the maintenance of the Thieu/Ky/Khiem clique, letting the South Vietnamese population determine freely its own political future -- these are urgent demands not only on the part of the Vietnamese people but also on the part of the American people and public opinion the world over. It is up to the Nixon Administration to respond to these legitimate demands so that these negotiations can truly progress, the war come to an end as soon as possible and American troops in Vietnam, including captured American military personnel, go back rapidly and in complete safety to their homes."

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Xuan Thuy:

"In our prepared statement today, we called on the United States party to give a response to the three points which we mentioned in our speech today with the aim of rapidly arriving at a peaceful settlement of the Vietnamese question. If you give a response rapidly and positively to these three points, then a rapid return home will be possible for captured military personnel and for the personnel now participating in the war. [Xuan Thuy's three points called for the U. S. to: (1) set a withdrawal deadline; (2) cease bombing North Vietnam and 'violating its sovereignty and security;' and (3) respond to the PRG proposal to replace the present South Vietnamese Government with one which will engage 'in serious talks' with the PRG.]"

The Hanoi daily Nhan Dan of April 19, 1971 stated:

"It is thus obvious that whether or not captured American military men will be released depends entirely on the U. S. A prolongation of the war will only delay the settling of this question. "

It thus emerges from the above Communist statements that more than a troop withdrawal deadline is required in order to free the prisoners of war. While the Communists are ready to "discuss" the prisoner question if the U. S. sets a deadline, they indicated that the war will have to end -- presumably on their terms -- before the prisoners will be actually freed. This would involve not only a deadline, but also the establishment of "provisional coalition government" and probably also the cessation of all U. S. military aid to South Vietnam and the payment of war reparations. In any case, the Communist side can be expected to extract the highest possible price for a prisoner release.

There has been some confusion in the interpretation and reporting of statements attributed to Communist spokesmen and delegation members in Paris. The following excerpts from the North Vietnamese (VNA) transcript of questions and answers at North Vietnamese spokesman Nguyen Thanh Le's "tea party" of April 21, 1971 might serve to clear up some of these misunderstandings:

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Redmont (Westinghouse Broadcasting Corporation):

"I paid much interest to an article carried in the International Tribune today which quotes U. S. Senator Hartke as saying that in his meeting with Mr. Nguyen Minh Vy [North Vietnamese delegate], the latter said that after the United States announced it would withdraw all U. S. troops ... and the prisoners of war would be released three weeks later. Will you give your opinion on this?

Answer:

"When Mr. Hartke came to Paris he suggested that a cease-fire be observed Mr. Nguyen Minh Vy answered that, with regard to the question of cease fire, Minister Nguyen Thi Binh made a three point statement on 10 December 1970 With regard to captured military personnel, if the United States agrees to the proposal of the PRGRSV, that it announce the withdrawal of all U. S. troops and those of the other foreign countries in the U. S. camp before 30 June 1971, the parties will discuss immediately the release of American prisoners of war.

"I would like to add that with regard to the question of American prisoners of war, I think that if the United States puts forward a deadline for the total withdrawal of its troops and ends the war of aggression, I believe ... that ... there will be no difficulties just as ... towards the French in the past."

Goldsmith (AP):

".... Why does your side think that no further precision can be given U. S. opinion is concerned about your refusal to announce a fixed date for the release of prisoners of war. This fact gives the Americans a pretext for refusing to set a deadline for the total withdrawal of U. S. troops.

Answer:

"In my opinion, the problem of captured militarymen is not too difficult to solve....we formerly had this experience with the French and the problem was settled satisfactorily. We have said: Should the Americans advance a deadline for the total withdrawal of U. S. troops, then the parties would enter into discussions, that is, serious and true discussions on the release of captured militarymen."

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NOTE: In answering questions, Nguyen Thanh Le three times referred to the precedent established by the release of French prisoners of war. Prior to the question and answer period, Le stated:

"At the Geneva Conference in 1954, the question of releasing captured militarymen was not difficult to settle. After a basic agreement on the ending of the war and on a cease-fire, the question of releasing captured military men was settled. On 20 July 1954 the Geneva agreements were signed. A few days after, the parties discussed the releasing of captured militarymen. At the end of July 1954, the release started, and it ended in August 1954."

This appears to be an additional indication that the Communists do not intend to release American prisoners until the war has ended.

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